

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JULIUS H. SCHOEPS, EDELGARD VON :  
LAVERGNE-PEGUILHEN, and FLORENCE :  
KESSELSTATT, :  
:

Plaintiff, :

-v- :

THE MUSEUM OF MODERN ART, and THE  
SOLOMON R. GUGGENHEIM FOUNDATION,

Defendant.  
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JED S. RAKOFF, U.S.D.J.

07 Civ. 11074 (JSR)

ORDER

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>2-2-09</u>
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Based on the unequivocal representations of the parties through their duly authorized counsel that they have stipulated to the unconditional dismissal of this case with prejudice, see transcript February 2, 2009; see also Letter from John J. Byrne, Jr. and Gregory P. Joseph to the Honorable Jed S. Rakoff dated January 31, 2009, this case is hereby dismissed with prejudice. The Court, with the parties' consent given in open court, see transcript February 2, 2009, will retain jurisdiction for the limited purpose of determining whether the executed final settlement -- which is to be submitted to the Court in camera within 30 days, see transcript February 2, 2009 -- is to be made public or, as the parties request, to be filed under seal.

SO ORDERED.

Dated: New York, NY  
February 2, 2009

  
JED S. RAKOFF, U.S.D.J.